

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
In the Court of Common Pleas

S. Jackson Kimball, Special Circuit Court Judge

Case No.: 2007-CP-46-00119

J.W. NEAL CONSTRUCTION, LLC,
a South Carolina limited liability company Respondent,

v.

CORNELIA THOMAS, Appellant.

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

The Respondent proposes the following be included in the Record on Appeal:

- 1 Summons and Complaint;
- 2 Answer and Counterclaim;
- 3 Reply;
- 4 Contract;
- 5 Notice of Right to Cure letter;
- 6 Mechanics Lien;
- 7 Arbitration Agreement;
- 8 COMMERCIAL ARBITRATION RULES AND MEDIATION PROCEDURES of the American

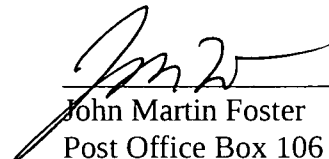
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- Arbitration Association, eff. Sept. 1, 2007;
- 9 Arbitration Award dated February 25, 2010;
 - 10 E-mails relevant to first unmodified Arbitration Award;
 - 11 Motion to Re-Open Case and Confirm Arbitration Award;
 - 12 Return to Motion to Re-Open Case and Confirm Award and Motion to Correct and Modify Award, dated May 10, 2010, and filed May 11, 2010;
 - 13 Motion for Attorney's Fees and Costs, dated June 7, 2010 and filed June 8, 2010;
 - 14 Order of Judge Kimball dated June 1, 2010 and filed June 23, 2010;
 - 15 Order of Judge Kimball dated June 9, 2010 and filed June 11, 2010, remanding the matter to the Arbitrator for determination of attorney's fees;
 - 16 Amended Arbitration Award dated June 17, 2010 and filed June 24, 2010;
 - 17 Notice of Appeal as to Order filed June 23, 2010, with Proof of Service, Notice of Appeal and Proof of Service dated July 26, 2010;
 - 18 Order of Dismissal and Remittitur of appeal above, filed September 9, 2010;
 - 19 Motion to Dismiss Mechanics' Lien dated February 3, 2012;
 - 20 Motion to Confirm Arbitration Award dated April 3, 2012 and filed April 4, 2012;
 - 21 Order dated June 18, 2012 and filed June 20, 2012; and
 - 22 Notice of Appeal and Proof of Service, dated July 13, 2012.

I certify that this designation contains no matter which is irrelevant to this appeal.



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Attorney for Respondent

September 6, 2013

Rock Hill, South Carolina

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PROOF OF SERVICE

I certify that I have served the Initial Brief of Appellants and Designation of Matter to Be Included in the Record on Appeal, dated September 6, 2013, on the following counsel of record:

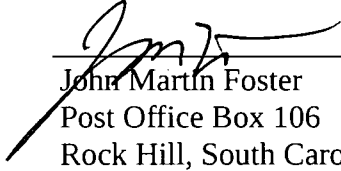
Herbert W. Hamilton
Hamilton, Martens & Ballou, LLC
Post Office Box 10940
Rock Hill, South Carolina 29731
Attorneys for Appellant

by depositing the same with the United States mail, with sufficient first class postage attached, properly addressed to the clerk of the Court, and with a copy also directed to the respective last known address(es) of those attorney(s) and/or persons set out below; or

by hand delivering copies of the same to the following persons, or by leaving the same at that person's office with that person's clerk or some other person in charge thereof, or by leaving it in a conspicuous place therein; of if the office was closed or the person to be served has no office, by

leaving a copy at that person's dwelling place or usual place of abode with some person of suitable age and discretion then residing therein, all pursuant to Rule 233(b), S.C.A.C.R.

September 6, 2013



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